

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
145 ft. N of NRC Belair & Jerusalem Roads on E/S Belair Rd
12305 Belair Road
11th Election District
5th Councilmanic District
Raymond Eller, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-413-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building to lot line setback of 18 ft. in lieu of the 50 ft. required, as more particularly described on Petitioners' Exhibit No. 1 and 3.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 12305 Belair Road, improved with a single family dwelling, consisting of 1.2 acres +/-, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a lot line setback of 18 ft. in lieu of the required 50 ft. to construct an addition to the house which are additional bedrooms and family area.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building to lot line setback of 18 ft. in lieu of the 50 ft. required, in accordance with Petitioners' Exhibit Nos. 1 and 3, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 6, 1991

Howard Alderman, Jr., Esquire
Levin and Gann, P.A.
305 W. Chesapeake Avenue, Suite 305
Towson, Maryland 21204

RE: Petition for Residential Zoning Variance
Case No. 91-413-A
Raymond Eller, et ux

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3351.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel
cc: Mr. and Mrs. Raymond Eller

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-413-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12305 Belair Road,
Kingsville, MD 21087 (11th Election District, 5th Councilmanic District
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
Irregular shape of lot and existing topographic conditions; relief requested is minimum necessary to grant substantial justice to the undersigned and their neighbors; and difficulty that would arise if house addition is denied.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Doris Lee Eller
AFFIANT (Handwritten Signature)

DORIS LEE ELLER
AFFIANT (Printed Name)

Raymond H. Eller
AFFIANT (Handwritten Signature)

RAYMOND ELLER
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
DORIS LEE ELLER and RAYMOND ELLER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

Alan C. Busby
NOTARY PUBLIC
ALAN C. BUSBY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 22, 1994

NOTE: Distance from intersecting streets taken from records of Maryland State Department of Assessments and Taxation; metes and bounds descriptions of parcel and right of way taken from documents legally recorded in Land Records of Baltimore County.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 26, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert C. Cooper, Item No. 470
John V. Dimenna, Item No. 468
Doris Lee Eller, Item No. 413 ✓
Beverly J. Donnelly, Item No. 473

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
VARITEMS: JL/ZAC1

PETITION FOR RESIDENTIAL VARIANCE

20 THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-413-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.3 to permit a principal building to lot line setback of 18 feet in lieu of the 50 feet required.

on the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)

1. Irregular shape of lot and existing topographic conditions.
2. Practical difficulty that would arise if not permitted to add to house as planned.
3. Relief requested is minimum relief necessary.
4. *How outgrown existing home due to having 3 teenage children.*

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

DORIS LEE ELLER

(Type or Print Name)

Signature

RAYMOND ELLER

(Type or Print Name)

Signature

Address

City/State/Zip Code

Address

City/State/Zip Code

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City/State/Zip Code

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Address

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(410) 887-4500

AUGUST 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RAYMOND ELLER
Location: #12305 BELAIR ROAD
Item No.: *413 Zoning Agenda: MAY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/FFP

5-30 41-413 M

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahes J. Famill
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

[Signature]
Rahes J. Famill
Traffic Engineer II

RJF/lvd

111 West Chesapeake Avenue
Towson, MD 21204

May 22, 1991

887-3353

Mr. & Mrs. Raymond Eller
12305 Belair Road
Kingsville, MD 21087

Re: CASE NUMBER: 91-413-A
LOCATION: 445' W of REC Belair & Jerusalem Roads on S/S Belair Road
12305 Belair Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 15, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 30, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]
G. G. Stephens
(301) 887-3391

CASE NUMBER

91-413-A

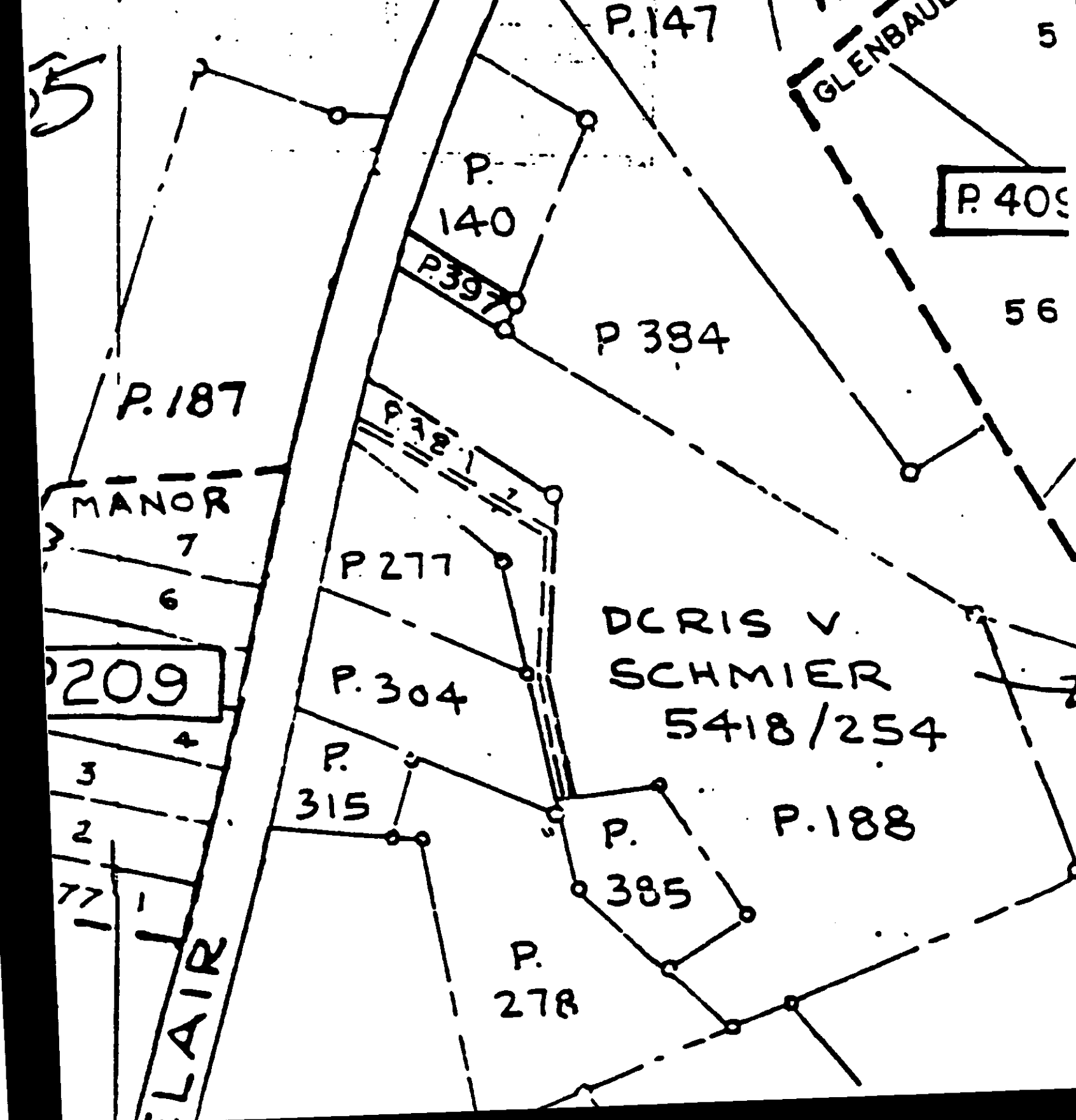


This is the adjoining property to the south side.



The Addition to be attached to this side of house

ERNON S. ROBERTS
6046/159
29.08 A.
P.184



91-413-A
GLENBauer SEC.

111 West Chesapeake Avenue
Towson, MD 21204

May 14, 1991

887-3353

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue #113
Towson, MD 21204

RE: Item No. 413, Case No. 91-413-A
Petitioner: Raymond Eller, et ux
Petition for Residential Variance

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Raymond Eller
12305 Belair Road
Kingsville, MD 21087

CASE NUMBER

91-413-A



This North side of house has very large slope and septic system to rear.

PETITIONER'S EXHIBIT # 2

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 29th day of April, 1991.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman
Zoning Plans Advisory Committee

Petitioner: Raymond Eller, et ux
Petitioner's Attorney: Howard Alderman

PETITIONER'S EXHIBIT # 4



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 13, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Baltimore County
Zoning meeting of
May 14, 1991
Raymond Eller Property
E/S Belair Road
US 1-N
north of John Deere Dealer
Item # 413

Dear Mr. Haines:

We have received the submittal for a residential variance to permit a principal building to lot line setback of 18' in lieu of the required 50'.

We have forwarded this plan to our Resident Maintenance Engineer's Office, c/o Mr. Gary Ewers (574-4511) since any access to US 1-N for this property must be approved through his office.

A permit must be obtained for an entrance onto US 1-N from Mr. Ewer's office prior to the issuance of any building permits.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Mr. Gary Ewers, wenc.
Mr. John D. Brennan
Mr. J. Ogle

received
5/15/91

My telephone number is 301-333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991
FROM: Dennis A. Kennedy, P.E.
RE: Zoning Advisory Committee Meeting
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

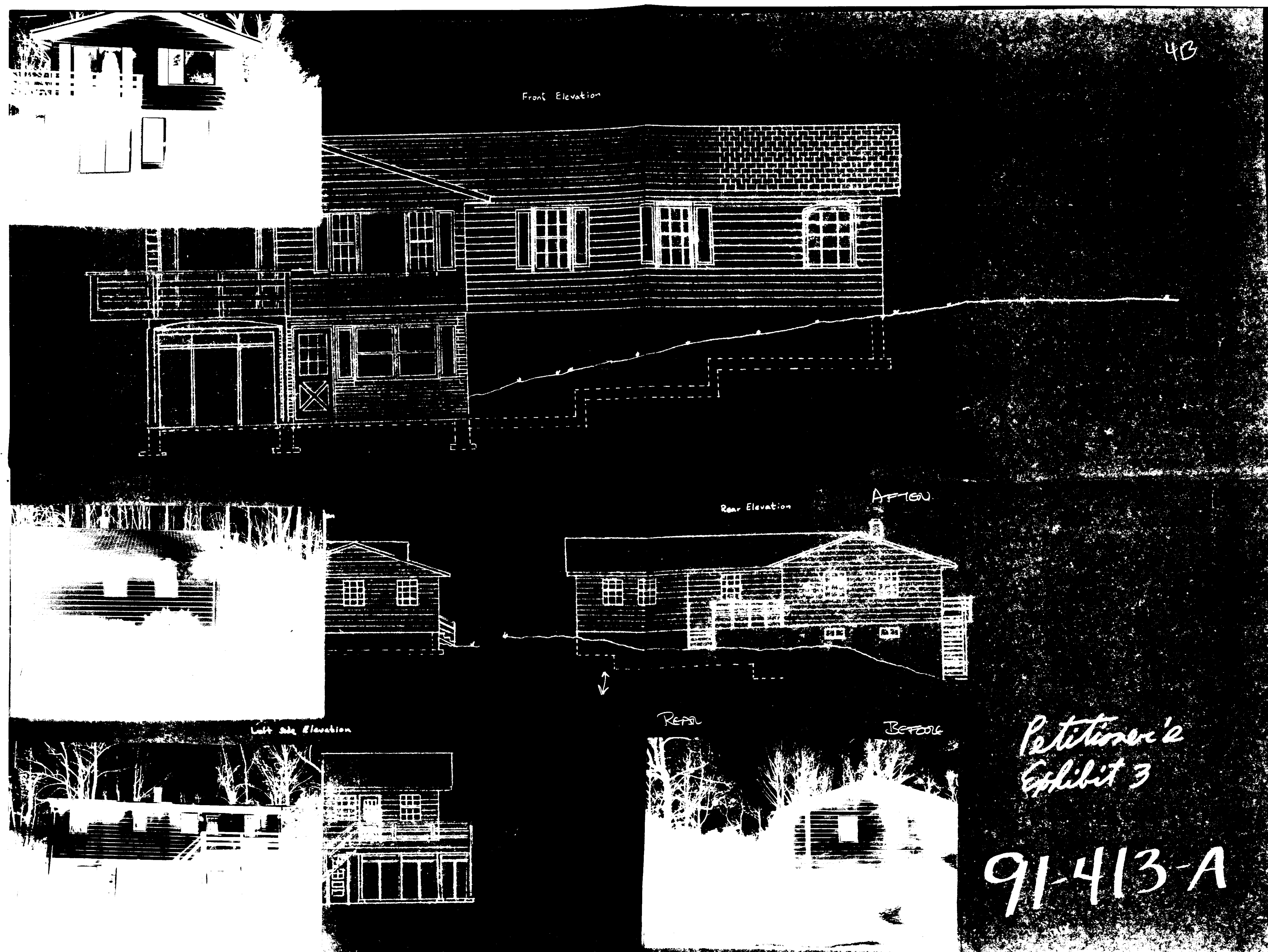
For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

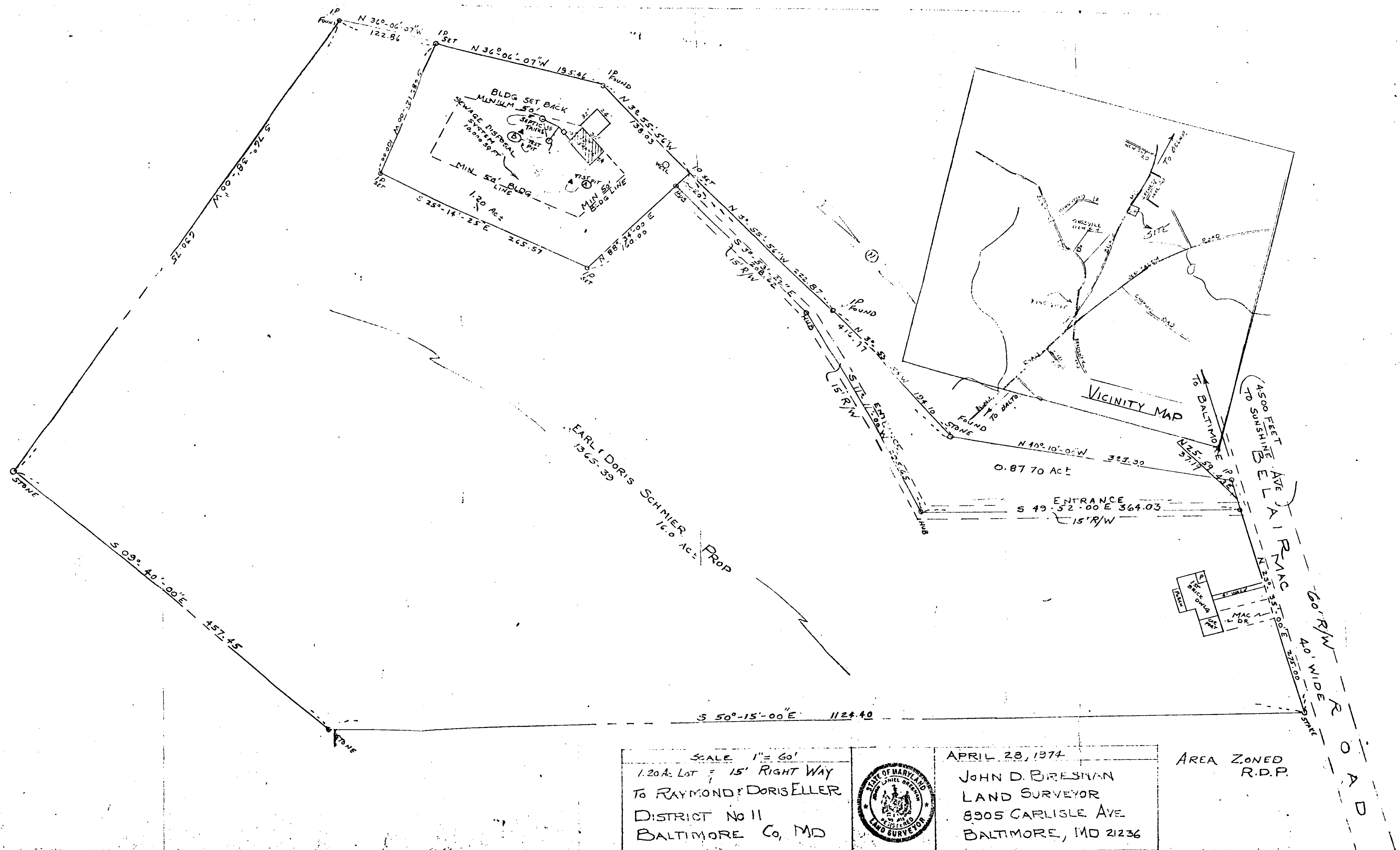
For Item 421, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s



Plat to accompany Petition for Zoning Variance
 Property Address: 12305 Belair Rd. Kingsville
 Folio 414 - Liber 5521 Parcel 385
 Owner: Ray + Doris Eller



Location Information

Councilman District: 5

Election District: 11

Zoning: R65

Lot size: 1.2 acre

N.E.

15 J

Sewer - private

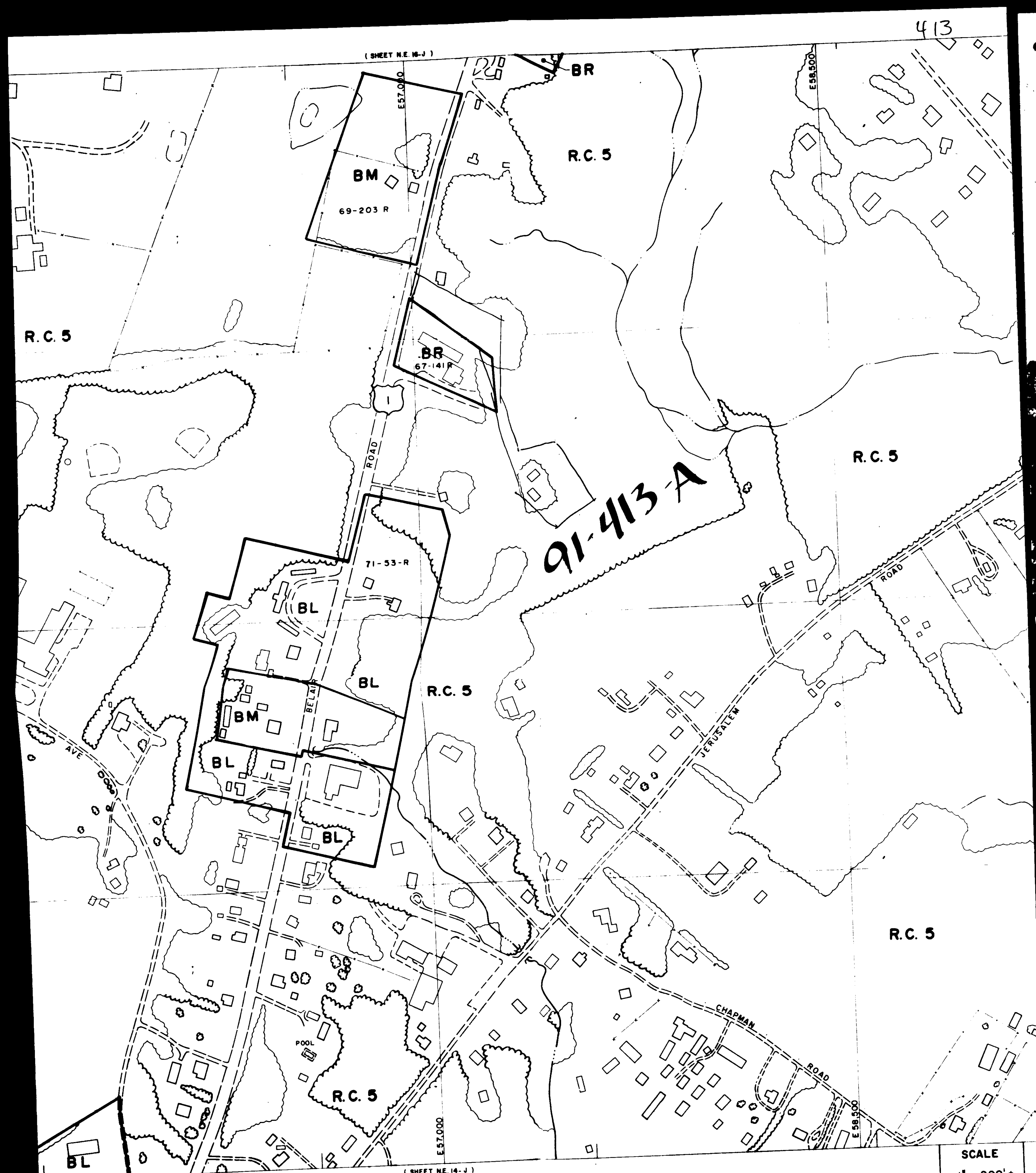
Water - private

Chesapeake Bay Critical Area: no

Prior Zoning Hearings: no

91-413-A

Petitioner's
 Exhibit 1



ZONING MAP
County Council
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP